

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

John D. Rositzki,

Civil 10-3762 (RHK/FLN)

Plaintiff,

ORDER

v.

Michael J. Astrue, Commissioner
of Social Security,

Defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated June 15, 2011, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS ORDERED:

1. The Report and Recommendation (Doc. No. 18) is **ADOPTED**;
2. Plaintiff's Motion for Summary Judgment (Doc. No. 13) is **DENIED**;
3. Defendant's Motion for Summary Judgment (Doc. No. 16) is **GRANTED**; and
4. The Complaint (Doc. No. 1) is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 18, 2011

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge